

- No 22. private property must be strictly interpresed ; and as the statute does not *per expressum* warrant any such procedure as that complained against, it is therefore illegal and oppressive ; the trustees, if they please, may purchase the stones, but they cannot take them at their own hand. THE LORDS passed the bill of suspension. See APPENDIX.

*Fol. Dic. v. 4. p. 202.*

- No 23. 1776. November 21. THOMSON *against* CROMBIE.

THE proprietor of a house within burgh has a right to prevent any contentious proprietor from painting his name or erecting a sign upon it, against his will. See APPENDIX. See No 26. p. 13184.

*Fol. Dic. v. 4. p. 200.*

No 24.

Found that expresses dispatched from the post-office, altho' sent at the request of private parties, are not liable to pay toll.

1779. June 24. JAMES JACKSON *against* WILLIAM URE.

THE turnpike-acts for the roads leading to Glasgow contain the usual clause, declaring that no toll shall be demanded ' for any post-horse carrying the mail ' or packet.' Under the cover of this exemption, private persons sending expresses on their own business, had been in use to obtain a despatch express from the post-office, who claimed an equal right to pass through the turnpikes without paying for his horse, as the post-boy carrying the public mail.

Several of these expresses dispatched from the post-office were stopped, and obliged to pay toll at a turnpike in the neighbourhood of the town. This produced an action before the Sheriff, at the instance of the post-master, against the collector of the toll, for repetition of what had been paid, and for having it declared, that the collectors of the toll-duties cannot, in time coming, ' levy ' any tolls or portage from the horse carrying the mail or packet, or dispatches ' from or to the said post-office of Glasgow with an express mail or packet, in ' terms of the acts of Parliament.'

In the course of the action, the Sheriff ordained the defender to condescend, *imo*, Upon the names and designations of the persons who were stopped, and interrupted in the manner mentioned in the libel ; *2do*, " Specially to set forth, whether they were carrying the public mail or packet, which is regularly sent off at stated times, in the common course of the post-office employment, or a packet dispatched by special express from the post-office, and whether such packet was a government or public packet, upon his Majesty's service, or a private packet sent off at the instance of a private person in regard to private affairs."